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ABSTRACT

This paper outlines a process for hiring the best candidate for a faculty or staff position, particularly structuring the process and conducting resume reviews and interviews. The entire paper proceeds from the assumption that no management function is more critical than the hiring of faculty and staff. The first section provides suggestions for each phase of the hiring process: request to fill the position, formation of a search committee, deciding what the organization needs, writing the job description, determining the hiring criteria, and noting the legal ramifications of criteria. The next section on resume evaluation and interviews opens with suggestions for developing a candidate score-sheet (includes a sample). This section also offers suggestions on analyzing the resume, checking references, and conducting a successful interview. The section on interviewing covers: what questions to ask, styles of interview questions, questioning techniques, why interviews fail, 12 key points on which to evaluate each candidate, and telephone interviews. Final sections address compiling scores, correspondence, candidate elimination, and decision-making. Appended are: information on interviewing protected class candidates (covers illegal interview questions and their legal formulations); a list of obstacles to effective interviewing; and the preemployment guide of the College and University Personnel Association. (JB)

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ED 381 517

"Academic and Legal Ramifications of Hiring the Best"

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INTRODUCTION

**"PEOPLE WHO HIRE THE MOST
OFTEN KNOW THE LEAST ABOUT HIRING"**

Robert Half - Robert Half on Hiring

No management function is more critical than the hiring of faculty and/or staff who will go on to become competent, motivated and productive employees. Therefore, if hiring new employees is part of your management duties, it is imperative that you develop knowledge and skills that will allow you to Hire the Best Candidate.

There is no one best way to carry out the hiring process. However, there are limitless wrong ways. The errors of hiring can be best eliminated by following sound principles. The purpose of this presentation is to provide ideas and suggestions for each phase of the hiring process.

THE HIRING PROCESS

"It's easy to make good decisions when there are no bad options"

- ***Did your ultimate decision take into consideration all the important facts?***
- ***Was the job properly analyzed?***
- ***Were your recruiting sources used wisely?***
- ***Did you eliminate from consideration (on the basis of a resume, perhaps) someone who could have done the job far better than the one hired?***
- ***Did you secure enough relevant information during the interview?***
- ***Were you diligent enough in regard to checking references?***

REMEMBER: Hiring is a complex process. When there is a breakdown in any of the necessary procedures, the entire process is compromised.

REQUEST TO FILL POSITION

- Be very organized
- Provide valid justifications
- Overcome budget cuts/limitations
- Thorough preparation aids in establishing top priority
- Don't forget the decision-makers

NOTE: If successful, go to next topic!!

FORMATION OF SEARCH COMMITTEE

- Select committee members carefully
- Significant others
- Meeting Schedules

DECIDING WHAT YOU NEED

"Credentials are not the same as Accomplishments"

- *What person do you <u>really</u> need?*
- *Do a very effective job of determining what you really need - before you start to look*
- *Faculty alternatives*

WRITE OUT THE JOB DESCRIPTION

- ***Consists of more than a simple list of duties - it indicates the relative importance of each duty and responsibility***
- ***Be as specific as possible***
- ***If job is a teaching position, make certain all subject areas are listed -- this will help avoid surprises***
- ***If job consists of dual duties (teaching/coaching), list all aspects***

DETERMINING THE HIRING CRITERIA

- **What sort of experience is truly necessary to perform each specific function?**
- **How much education is necessary?**
- **What items will affect job performance?**
- **All factors should relate to the job itself.**
- **A practical strategy is to use recent job performance.**
- **Establish a sense of focus -- establish qualities that are of paramount importance.**

LEGAL RAMIFICATIONS - CRITERIA

- **There is no law against establishing any criteria, as long as these criteria do not exclude people on the basis of race, religion, national origin, age, sex, marital status or physical handicap not directly related to job performance.**

CONCLUSION

"Time Spent On Hiring Right Is Time Well Spent"

- Robert Half

Successful Hiring takes time and thought, and, like most skills, it also takes practice. In addition, good hiring practices require a well-defined effort by the Search Committee.

PRINCIPAL POINTS:

1. Make the commitment.
2. Familiarize yourself with the legal implications.
3. Decide what you really need.
4. Be realistic in your expectations.
5. Select and utilize recruiting sources carefully.
6. Monitor the screening procedures.
7. Become an effective interviewer.
8. Do the reference checking proficiently.
9. Be as objective as possible.
10. Don't delay the decision.

DEVELOP CANDIDATE SCORESHEET

- How many times have we been asked to review resumes -- but received no further assistance?

- Your best effort must be made to quantitatively review and judge a candidate's resume.

- If you can't provide a quantitative measure, then you are simply participating in a guessing game.

Suggestions:

1. Develop qualifications/criteria
2. Develop rating scale
3. Determine values for criteria

CANDIDATE: _____

POSITION: _____ **SCHOOL:** _____

QUALIFICATIONS:

Earned doctorate in a discipline represented in the college;

						Value		
Rating:	0	1	2	3	4	X .05	=	____

Record of effective education administration, including intellectual, curricular, and fiscal leadership;

						Value		
Rating:	0	1	2	3	4	X .25	=	____

Knowledge and experience within the divisions of the college;

						Value		
Rating:	0	1	2	3	4	X .15	=	____

Background of effective teaching, research and publications appropriate for appointment to the rank of professor;

						Value		
Rating:	0	1	2	3	4	X .25	=	____

Demonstrated competence in interpersonal skills and collaborative efforts with internal and external constituents;

						Value		
Rating:	0	1	2	3	4	X .15	=	____

Record of securing and allocating resources to provide quality undergraduate and graduate instruction, research, public service and outreach projects, including student recruitment.

						Value		
Rating:	0	1	2	3	4	X .15	=	____

TOTAL SCORE ____

ANALYZING THE RESUME

"The most immutable barrier in nature is between one man's thoughts and another."

- William James

REVIEWING THE RESUME

It is important that you take the time to evaluate the resume in order to see past resume fiction to resume fact. Remember, the resume is simply a representation of the candidate.. There are both negatives and positives the resume may not reveal. It is your obligation, for both the good of the candidate and the good of your school not to skip over this part of the process. Here are some important techniques to utilize in your evaluation:

- Write all over it; it's not a valuable piece of art!
  - Make key notes directly on the resume
  - Highlight areas you want to inquire about
  - Highlight gaps or possible gaps in employment history
  - Highlight experience/knowledge that you want the candidate to expand on
  - Highlight vague terms or accomplishments you want to have the candidate to clarify
- Set a minimum of 15 minutes prior to the interview to review the resume fully.
  - Allows you to have a full line of questions prepared
  - Allows you to maintain eye contact with the candidate
  - Demonstrates the importance you place on the interview

RESUME: A summary of a person's education, experience and employment. Sometimes confused with a work of fiction.

REFERENCE CHECKING

"A Bad Reference Is As Hard To Find As A Good Employee"

- **Very often employers are reluctant to give negative input.**
- **Is the reference a true indication of a productive employee or a great way to get rid of someone?**

  "Roughly one-third of all job applicants doctor their resumes or misrepresent their accomplishments".

- **Do you need the candidate's permission to talk to "non-listed" references?**
- **Utilize the networking process.**
- **Aim high.**
- **Maybe the term "verification" is best used.**
- **Consider the confidentiality aspect.**
- **Deal with the basics.**
- **If discrepancies are substantial.... give the candidate a chance to respond.**

THE INTERVIEW: A LOOK AT THE BASICS

The interview portion of the hiring process has very widespread usage and can often be the worst tool to use. Since interviews will be used as a basis for judging candidates -- it is imperative that we conduct an interview with a high degree of proficiency.

KEYS TO SUCCESSFUL INTERVIEWING

1. Screen carefully.
2. Have a plan.
3. Follow a logical sequence.
4. Create a proper interview environment.
5. Put the candidate at ease.
6. Let the candidate do the talking.
7. Perfect your questioning techniques.
8. Become a better listener.
9. Keep your reactions to yourself.
10. Stay in control.
11. Take notes.
12. Don't oversell the position.
13. Conclude the interview on the proper note.
14. Write an interview summary.
15. Learn from each experience.

WHAT QUESTIONS TO ASK IN THE INTERVIEW

Asking the right questions takes as much skill as giving the right answers.

Let's begin with the questions you shouldn't ask -- questions, that is, that could get you into hot water with the Equal Employment Opportunity Commission.

You are breaking a federal law (and often a state law as well) by asking any questions directly or indirectly relating to the following aspects of the candidate's background:

- **Religion**
- **Race or color**
- **National origin**
- **Age**
- **Sex**
- **Marital or family status**
- **Handicaps**
- **Criminal record**
- **Financial affairs**

INTERVIEWING PROTECTED CLASS CANDIDATES

(See supplement)

MAY I ASK YOU A QUESTION?

(See supplement)

SIX STYLES OF INTERVIEW QUESTIONS

1. OPEN
2. CLOSED
3. NEGATIVE INQUIRY
4. POSITIVE INQUIRY
5. HYPOTHETICAL
6. CONFIRMING

QUESTIONING TECHNIQUES

"Time is precious, but truth is more precious than time."

- Benjamin Disraeli

DOMINO QUESTIONING

PRIMARY QUESTION

SECONDARY QUESTION

TERTIARY QUESTION

OBSTACLES TO EFFECTIVE INTERVIEWING

(See supplement)

WHY INTERVIEWS FAIL

"The greatest strength of some job candidates is their ability to impress the people who interview them."

- Robert Half

THE REASONS

The Interviewer....

1. Fails to gain enough information
   - Runs out of questions and/or time

2. Interviewer does not match the candidate with the job
   - Does not understand the true job description

3. Interviewer fails to evaluate the resume
   - Overlooks key factors that could provide information about the candidate

4. Interviewer settles for a superficial, rehearsed answer
   - Does not probe past candidate's answers for additional information

5. Interviewer is only concerned with skills rather than personality
   - Does not realize that most people fail due to personality and culture rather than poor performance

6. Interviewer forgets the qualities of the candidate
   - Does not document the information for future reference

THE DECISIVE DOZEN - 12 KEY AREAS TO EVALUATE EACH CANDIDATE ON

1. Adaptability: Is the candidate flexible?
2. Competence: Does the candidate have the core skills?
3. Experience: Does the candidate have relevant experience?
4. Manageability: Will the candidate take direction?
5. Interpersonal skills: Can the candidate communicate clearly?
6. Attitude: Is the candidate optimistic and positive?
7. Initiative: Will the candidate take action?
8. Maturity: Is the candidate professional and polished?
9. Stability: Does the candidate have future plans and goals?
10. Emotional control: Can the candidate remain composed?
11. Integrity: Will the candidate be honest and trustworthy?
12. Values: Will the University culture satisfy the candidate?

TELEPHONE INTERVIEWS

- Be very organized in terms of specific questions.
- Schedule the call in advance.
- Set up committee assignments and select a "phone chief".
- Used only as a way of learning more about the candidate.
- Review resume (again) prior to calling.
- Report findings to search committee

COMPILING SCORES

- After the resume has been thoroughly reviewed and analyzed, it is time to assign a score for that candidate.

- In addition to utilizing the resume, all other factors should be considered; such as:
  A. Information gathered from references
  B. Telephone Interviews
  C. Other....

PROBLEMS ASSOCIATED WITH SCORING

- The Search Committee should develop plans that will enable them to consider the fairest scores.

- Develop rules that eliminate the personal bias factor

- Obtain an average score

- Handling missing scores

EXAMPLES OF SCORING PROBLEMS

CANDIDATE A	2.4	3.8	3.2	-	2.9	3.4
CANDIDATE B	3.0	1.5	3.5	3.1	3.4	3.2
CANDIDATE C	3.1	0	3.2	2.8	3.2	3.0

CORRESPONDENCE

- All correspondence must be high quality and timely.

  Candidate information:

  - Application information - Thanks
  - Required Items check-list
  - Search Progress Information
  - Elimination Progress (good/bad)
  - The real "Elimination" letter
  - Courteous considerations

CANDIDATE ELIMINATION PROCESS

- Develop the ultimate elimination procedure according to the stated purpose of the search committee.
- What? How? When?---
  All elimination procedures should be determined Before the process begins.
- Be flexible (but don't change the rules).
- Utilize a "Blind" process if possible.

MAKING THE DECISION

"The Best Person You Interview Isn't Necessarily The Best Person For The Job"

- **The more successful you have been at attracting quality candidates - the tougher the final decision will be.**

- **If you have handled the preliminary aspects of the hiring process properly -- you have substantially reduced your chance of making a "wrong" decision.**

DECISION-MAKING: PATTERNS TO AVOID

1. **"The Cloning Trap"**

2. **"Attractive People Make Better Employees"**

3. **"This Time It's Going To Be Different"**

4. **"The Candidate Is Stronger Than I Am"**

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7. Become an effective interviewer.
8. Do the reference checking proficiently.
9. Be as objective as possible.
10. Don't delay the decision.

RECOMMENDED READING

Every Manager's Legal Guide to Hiring. August Bequai. Dow Jones-Irwin Inc., 1990. KF3457.B47

The Five Minute Interview. Richard H. Beatty. New York, NY: John Wiley & Sons., Inc., 1987.

The Fool Proof Interviewer's Guide. Terri Lammers. Inc. December 1991: pgs. 127 - 132.

Hiring the Best. Martin Yate. Holbrook, MA: Bob Adams Publisher, 1987.

Jobs Must Be Marketed. Patricia Martin. Personnel Journal. April 1991: pgs. 87 - 91.

Robert Half On Hiring. Robert Half. New York, NY: Crown Publishers, Inc., 1985. HF5549.5R44

The 7 Habits of Highly effective People. Stephen R. Covey. New York, NY: Simon & Schuster, 1989.

Winning the Hiring Game. Edward C. Andler. Springfield. IL: The Smith Collins Company, 1992.

INTERVIEWING PROTECTED CLASS CANDIDATES

As already indicated, questions related to sex, age, color, race, religion, national origin, or handicap are inappropriate when interviewing candidates for positions. Common sense, common courtesy, and a professional approach are the cardinal rules for successful interviewing as evident in the preceding sections; however, in order to ensure that you are conducting a nonsexist and nonracist interview, you should remember to:

- Ask the same general questions and require the same standards for all applicants;
- Treat all applicants with fairness, equality, and consistency;
- Follow a structured interview plan that will help achieve fairness in interviewing.

In other words, treat women, men, and minority applicants in exactly the same way. Discriminatory behavior is improper, even when it is not intended. The appearance can be as important as the reality. The fact that you ask certain questions not related to the job wouldn't necessarily show that you mean to discriminate, but such questions can be used, and have been used, in a discriminatory way. Women, in particular, are increasingly aware and resentful of these questions.

The following suggestions, some relating to women applicants and others to minority candidates, should be helpful in ensuring that no federal or state equal employment opportunity laws are violated in the interview:

1. Ask questions that are relevant to the job itself. For instance, while in most cases men would have no reason to suppose improper significance of questions regarding marriage plans, because of past discrimination, women would. So do not inquire into:
   - her marital status or nonmarital arrangements;
   - what her husband does, how much he earns, whether he is subject to transfer, how he feels about her working or traveling;
   - whether she has children (or plans to), how many, and their ages;
   - arrangements for the care of her children; or
   - her views on birth control, abortion, or women's lib.

   You may cite the hours required by the job and ask if she will have difficulty meeting them. For example, you may say, "We start at 8:00a.m. here and leave at 4:30p.m. Will you have difficulty meeting those hours?" If she brings up any problem she may foresee in child care, etc., then indicate what services are available.
2. Be careful not to draw assumptions about a woman's competence based on her soft voice or feminine appearance or attire.
3. Be professional and consistent in addressing men and women. If using first names, do so for all candidates. If not, then do not use a woman's first name and not the man's. In other words, in introducing a woman candidate, use Dr., Ms., or Miss, and a similarly appropriate title for the person to whom she is being introduced. For example, do not say, "Mr. Powers, I'd like for you to meet Mary Lou (candidate)."
4. Avoid flirting, patronizing, or making sexual jokes during the interview. Try to behave toward women in a completely businesslike, yet relaxed way.
5. Avoid bringing up stereotyped prejudices: women shouldn't travel alone; they are too emotional; they aren't aggressive enough. Don't tell negative stories about former women employees.
6. Don't go to the opposite extreme by boasting about your liberation, by pointing out how fair-minded you are, or by giving an instant-replay of every female or minority success story you know.
7. In making a selection or recommendation, avoid making assumptions such as the following:
   - Supervisors or managers might prefer men or employees of certain ethnic/racial origins;
   - Clients or customers might not want to deal with women or minorities;
   - Co-workers might object;
   - Women's work might lack credibility;
   - The job might involve travel, or travel with the opposite sex or members of certain ethnic/racial backgrounds that would disqualify the applicant;
   - The job might involve unusual working conditions that would disqualify the applicant.

8. Do not place undue emphasis on conditions of employment (such as travel, heavy lifting, long hours, etc.) in the hope of discouraging the candidate and getting him or her to withdraw from the competition. It is for the applicant, not the employer, to decide whether he or she wants the job – based, of course, on a clear, honest explanation of what the conditions are.

9. If asked, give accurate information about the number of women or minority employees already in the organization. Again, if a candidate asks, and if you don't have women or minorities in your own department, then arrange for the person to meet other women or minority staff members. On the other hand, do not assume that this candidate will necessarily want to meet other women or minority employees.

10. If you're going to discuss the town or city, mention everything and do not try to overemphasize the town's aspects as a family place in which to live and bring up children. Mention the town's closeness to mountains, seacoast, urban areas, or whatever is relevant. And remember, a single person may be interested in buying a house rather than just renting an apartment.

11. In general, avoid references to a candidate's personal happiness (i.e., social and/or sexual) Don't assume that your town or city is not the place for a single person or for minorities.

12. Obviously, do not indicate that you're interested in hiring a woman or minority person as a statistic to improve your department's Affirmative Action/Equal Employment Opportunity profile. It's unlawful and an insult to apply different standards based on an applicant's sex or minority status.

Again, there are so many things not to do or say – what can you talk about? You can discuss:

- The duties and responsibilities of the job;
- The organization's missions, programs, and achievements;
- Career possibilities and opportunities for growth, development, and advancement;
- Where the job is located, travel, mobility, equipment, and facilities available; or
- The individual's qualifications, abilities, experience, education, and interests.

May I Ask You A Question?

Keeping up with the frequent and often subtle changes in personnel law is certainly a challenging aspect of your daily job. Just what questions can you ask a prospective job applicant during an interview, and what wording will leave your company open to a potential lawsuit?

Illegal Interview Questions

* Their age.
* Any questions about specific years of school attendance or graduation.
* Whether they are married, divorced, separated, widowed or single.
* Whether or not they have children or plan to have children, and the ages of their children. Also, who will care for the children if the applicant is hired.
* Whether they belong to any organizations, clubs, societies or lodges that would indicate the applicant's race, religion, color or ancestry.
* Height or weight where it is not relevant to the job.
* Whether they have ever had their wages garnished.
* Whether they have ever been arrested.
* Who resides with them.
* If the applicant rents or owns his or her home.
* The name or address of any relative of an adult applicant.
* Their race or nationality.

Instead You May Ask...

- "If hired, can you furnish proof of age?"
- What academic, vocational or professional education the applicant has had, as well as the schools they've attended (if job related).
- "Would you like to be addressed as Mrs., Miss or Ms.?" and you may also ask about any information relative to a name change, to enable a check on the applicant's work record.
- "Can you do extensive traveling" (if job related) and (to a homemaker) "Why do you want to return to work?
- "Are you a member of any professional, trade, or service organization(s)?"
- "Do you have any disabilities that would prevent you from doing the job for which you applied?"
- A credit check may be used.
- "Have you had any felony convictions?" and for what?
- "Whom can we notify in case of emergency?"
- "Where do you reside, and how long have you lived there?"
- The name of persons who can supply professional and character references.

** Ref.: HUMAN RESOURCE MEASUREMENTS - Wonderlic Personnel Test, Inc.

OBSTACLES TO EFFECTIVE INTERVIEWING

Unfortunately, it is easy for an interviewer to make a mistake in an employment interview. Some of the common mistakes that have been detected in poorly conducted interviews are as follows:

Mistakes	Comments
Failing to establish rapport with the applicant.	As a result, the interview never gets off the ground.
Not knowing what information is needed.	Consequently, the interviewer does not know what questions to ask the applicant.
Concentrating exclusively on the applicant as a person.	The perceptive interviewer specifically attempts to compare an applicant's demonstrated abilities and experience with the actual job requirements.
Not remaining silent, or listening, long enough.	The interviewer does too much talking and fails to obtain meaningful information from the applicant.
Not allowing sufficient time to observe the applicant's responses and behavior.	The interview should not be too short and superficial. The longer the interview, the better the chances of gaining meaningful information from the applicant.
Incorrectly interpreting information obtained from the applicant.	The interviewer draws the wrong conclusion about the applicant's ability to perform.
Being unaware of or not dealing directly with biases for or against certain types of applicants (stereotyping).	This includes how you feel about hair styles, clothing, educational background, etc. ("I have never hired a good secretary from that business college.")
Being overly influenced (either favorably or unfavorably) by one characteristic or trait of that particular applicant.	This includes physical appearances, style or dress, personality, etc. ("I can't stand men who have mustaches," or "I'd hire her for this job no matter what her previous experience.")
Making a decision based only on intuition or "first impression," rather than careful insight and analytical judgment.	
Using stress techniques designed to trap or fluster the applicant.	
Conducting a poorly structured or an unstructured interview.	
Looking to see how an applicant's past life compares with the interviewer's.	This results in substantial loss of time, because more effort is spent on the "halo effect" comparison than on obtaining information relevant to the job.
Failing to control or direct the interview.	Whether out of a desire to be courteous or because the applicant is particularly dominant, the interviewer can lose control of an interview. When this happens, the interviewer must regain control skillfully – not abruptly.
Asking questions answerable by a simple "yes" or "no."	People are used to doing this because their daily business conversations are often short and to the point, but in interviewing, the interviewer must endeavor to do just the opposite – to draw the candidate out. This requires minimizing "yes" and "no" answers.
Making judgemental or leading statements.	These telegraph to the candidate desired responses. Most applicants are good enough at reading the interviewer's mind without being provided direct guidance.

COLLEGE AND UNIVERSITY PERSONNEL ASSOCIATION
PREEMPLOYMENT INQUIRY GUIDE

SUBJECT	PERMISSIBLE INQUIRES	INQUIRES THAT MUST BE AVOIDED
1. Name	"Have you worked for this company under a different name?" "Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain."	Inquiries about the name that would indicate applicant's lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. "Indicate: Miss, Mrs., Ms."
2. Marital and Family Status	Whether applicant can meet specified work schedules or has activities, commitments, or responsibilities that may hinder the meeting of work attendance requirements. Inquiries, made to males and females alike, as to a duration of stay on job or anticipated absences.	Any inquiry indicating whether an applicant is married, single, divorced, engaged, etc. Number and age of children. Information on child-care arrangements. Any questions concerning pregnancy. Any similar question that directly or indirectly results in limitation of job opportunity in any way.
3. Age	If a minor, require proof of age in the form of a work permit or a certificate of age. Require proof of age by birth certificate after being hired. Inquiry as to whether the applicant meets the minimum age requirements as set by law and indication that, on hiring, proof of age must be submitted in the form of a birth certificate or other forms of proof of age. If age is a legal requirement: "If hired, can you furnish proof of age?" or statement that hire is subject to verification of age. Inquiry as to whether an applicant is younger than the employer's regular retirement age.	Requirement that applicant state age or date of birth. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record. (The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40):
4. Handicaps	For employers subject to the provisions of the Rehabilitation Act of 1973, applicants may be "invited" to indicate how and to what extent they are handicapped. The employer must indicate to applicants that: 1) compliance with the invitation is voluntary; 2) the information is being sought only to remedy discrimination or provide opportunities for the handicapped; 3) the information will be kept confidential; and 4) refusing to provide the information will not result in adverse treatment. All applicants can be asked whether they are able to carry out all necessary job assignments and perform them in a safe manner.	The Rehabilitation Act of 1973 forbids employers from asking job applicants general questions about whether they are handicapped or asking them about the nature and severity of their handicaps. An employer must be prepared to prove that any physical and mental requirements for a job are due to "business necessity" and the safe performance of the job. Except in cases where undue hardship can be proven, employers must make "reasonable accommodations" for the physical and mental limitations of an employee or applicant. "Reasonable accommodation" includes alteration of duties, alteration of physical setting, and provision of aids.
5. Sex	Inquiry as to sex or restriction of employment to one sex is permissible only where a bona fide occupational qualification exists. (This BFOQ exception is interpreted very narrowly by the courts and EEOC.) The burden of proof rests on the employer to prove that the BFOQ does exist and that all members of the affected class are incapable of performing the job.	Sex of applicant. Any other inquiry that would indicate sex. Sex is not a BFOQ because a job involves physical labor (such as heavy lifting) beyond the capacity of some women, nor can employment be restricted just because the job is traditionally labeled "men's work" or "women's work." Sex cannot be used as a factor for determining whether an applicant's height or weight unless you can prove they are necessary requirements for the job to be performed.

6. Race or Color	General distinguishing physical characteristics, such as scars.	Applicant's race. Color of applicant's skin, eyes, hair, or other questions directly or indirectly indicating race or color.
7. Address or Duration of Residence	Applicant's address. Inquiry into place and length of current and previous addresses, e.g., "How long a resident of this state or city?"	Specific inquiry into foreign addresses that would indicate national origin. Names or relationship of persons with whom applicant resides. Whether applicant owns or rents home.
8. Birthplace	"After employment (if employed by this institution), can you submit a birth certificate or other proof of U.S. citizenship?"	Birthplace of applicant. Birthplace of applicant's parents, spouse, or other relatives. Requirement that applicant submit a birth certificate or naturalization or baptismal record before employment. Any other inquiry into national origin.
9. Religion	An applicant may be advised concerning normal hours and days of work required by the job to avoid possible conflict with religious or other personal convictions.	Applicant's religious denomination or affiliation, church, parish, pastor, or religious holidays observed. Applicants may not be told that any particular religious groups are required to work on their religious holidays. Any inquiry to indicate or identify religious denomination or customs.
10. Military Record	Type of education and experience in service as it relates to a particular job.	Type of discharge.
11. Photograph	Indicate that this may be required after hiring for identification.	Requirement that applicant affix a photograph to his or her application. Request that applicant, at his or her option, submit photograph. Requirement of photograph after interview but before hiring.
12. Citizenship	"Are you a citizen of the United States?" "If you are not a U.S. citizen, have you the legal right to remain permanently in the U.S.?" "Do you intend to remain permanently in the U.S.?" "If not a citizen, are you prevented from lawfully becoming employed because of visa or immigration status?" Statement that, if hired, applicant may be required to submit proof of citizenship.	"Of what country are you a citizen?" Whether applicant or his or her parents or spouse are naturalized or native-born U.S. citizens. Date when applicant or parents or spouse acquired U.S. citizenship. Requirement that applicant produce his or her naturalization papers. Whether applicant's parents or spouse are citizens of the U.S.
13. Ancestry or National Origin	Languages applicant reads, speaks, or writes fluently. (If another language is necessary to perform the job.)	Inquires into applicant's lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant's parents or spouse.
14. Education	Applicant's academic, vocational, or professional education: school attended. Inquiry into language skills such as reading, speaking, and writing foreign languages.	Any inquiry asking specifically the nationality, racial affiliations, or religious affiliation of a school. Inquiry as to how foreign language ability was acquired.
15. Experience	Applicant's work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, salary history. Other countries visited.	

16. Conviction, Arrest, and Court Record	Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as charged. An arrest is merely the apprehending or detaining of the person to answer the alleged crime.)	Any inquiry relating to arrests. Ask or check into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the particular job in question.
17. Relatives	Names of applicant's relatives already employed by this company. Name and addresses of parents or guardian of minor applicant.	Name or address of any relative of adult applicant, other than those employed by this company.
18. Notice in Case of Emergency	Name and address of persons to be notified in case of accident or emergency.	Name and address of relatives to be notified in case of accident or emergency.
19. Organizations	Inquiry into the organizations of which an applicant is a member providing the name or character of the organization does not reveal the race, religion, color, or ancestry of the membership. "List all professional organizations to which you belong. What offices are held?"	"List all organizations, clubs, societies, and lodges to which you belong." The names of organizations to which the applicant belongs if such information would indicate through character or name the race, religion, color, or ancestry of the membership.
20. References	By whom were you referred for a position here? Names of persons willing to provide professional and/or character references for applicant.	Require the submission of a religious reference. Request reference from applicant's pastor.
21. Miscellaneous	Notice to applicants that any misstatements or omissions of material facts in the application may be cause of dismissal.	

Any inquiry should be avoided that, although not specifically listed among the above, is designed to elicit information as to race, color, ancestry, age, sex, religion, handicap, or arrest and court record unless based upon a bona fide occupational qualification.

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